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PTO/SB/21 (10-07)

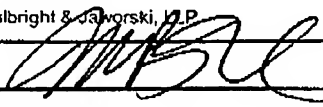
Approved for use through 10/31/2007. OMB 0651-0031

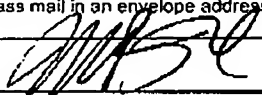
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>	Application Number	10/598,979	
	Filing Date	09/15/2006	
	First Named Inventor	Gerald FOURNAND	
	Art Unit	2837	
	Examiner Name	Unknown	
(to be used for all correspondence after initial filing)		Attorney Docket Number	ESSR:124US
Total Number of Pages in This Submission		20	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Second Preliminary Amendment Declaration of Mark B. Wilson in Support of Petition under 37 C.F.R. 1.181
Remarks Response to Notification of Insufficient Fees dated May 11, 2007		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Fulbright & Jaworski, LLP		
Signature			
Printed name	Mark B. Wilson		
Date	December 11, 2007	Reg. No.	37,259

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Mark B. Wilson	Date	December 11, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Gerald FOURNAND *et al.*

Serial No.: 10/598,979

Filed: September 15, 2006

For: OPTICAL LENS HOLDER

Group Art Unit: 2837

Examiner: Unknown

Atty. Dkt. No.: ESSR:124US

Confirmation No.: 2813

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, facsimile number (571) 273-8300 on the date below:

December 11, 2007  
Date

  
Mark B. Wilson

**RESPONSE TO NOTIFICATION OF INSUFFICIENT FEES (DO/EO/US)**  
**DATED MAY 11, 2007**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Insufficient Fees (DO/EO/US) dated May 11, 2007, enclosed herewith please find:

- (a) A Second Preliminary Amendment;
- (b) A Petition under 37 C.F.R. 1.181;
- (c) Declaration of Mark B. Wilson in Support of Petition under 37 C.F.R. 1.181;
- (d) Our payment via deposit account in the amount of \$4,580.00 in payment of the surcharge for late filing (\$130.00); Search fee (\$410.00); Examination fee (\$210.00); Additional claim fees pursuant to the concurrently filed Preliminary

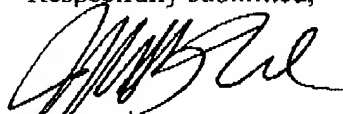
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Amendment (\$1,600.00 for 32 claims over 20) and five-month extension of time fee (\$2,230.00);

- (e) A copy of Notification of Insufficient Fees (DO/EO/US); and
- (f) A Petition for Extension of Time of five months to and including December 11, 2007. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

The Commissioner is hereby authorized to deduct the required fees in the amount of \$4,580.00 in connection with the filing of this paper or any underpayment of fees or any additional fees required under 37 C.F.R. §§ 1.16 to 1.21 or credit any overpayment of fees in connection with the filing of this paper from or to Fulbright & Jaworski Deposit Account No.: 50-1212/ESSR:124US.

Respectfully submitted,



Mark B. Wilson

Reg. No. 37,259

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3035 (voice)  
512.536.4598 (fax)

Date: December 11, 2007

12/18/2007 MKAYPAGH 00000097 501212 10598979

01 FC:1642	410.00 DA
02 FC:1633	210.00 DA
03 FC:1617	130.00 DA
04 FC:1615	1600.00 DA
05 FC:1616	370.00 DA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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 Address: COMMISSIONER FOR PATENTS  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/598,979	FIRST NAMED APPLICANT Gerald Fourmand FULBRIGHT & JAWORSKI, LLP IPT DOCKETING Docketed <input checked="" type="checkbox"/> Not Reqd <input type="checkbox"/> Confirmation <input checked="" type="checkbox"/>	ATTY. DOCKET NO. ESSR:124US
INTERNATIONAL APPLICATION NO. PCT/EP05/02875		
LA. FILING DATE 03/16/2005		PRIORITY DATE 03/17/2004

32425  
 FULBRIGHT & JAWORSKI, L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

Initials 1st Initials 2nd  
 NOV 14 2007

Attorney MBW  
 Docket No. ESSR:124US  
 Action Req'd Date Due

Date Mailed: 05/11/2007

CONFIRMATION NO. 2813  
 371 FORMALITIES LETTER  
 \*OC00000023821734\*

### Final deadline 12/11/07.

### Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/15/2006
- Copy of the International Search Report filed on 09/15/2006
- Preliminary Amendments filed on 09/15/2006
- Oath or Declaration filed on 09/15/2006
- U.S. Basic National Fees filed on 09/15/2006
- Priority Documents filed on 09/15/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$2560** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$3290 for a Large Entity:

- **\$130 Surcharge.**
  - The application search fee has not been paid. Applicant must submit \$400 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

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- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is \$ 2560
  - \$2200 for 44 total claims over 20.
  - \$360 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. <https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/598,979	PCT/EP05/02875	ESSR:124US

FORM PCT/DO/EO/923 (371 Formalities Notice)